

Côte d'Ivoire

Modest progress in implementing a March 2007 peace accord between the government and northern-based New Forces rebels resulted in minimal improvement in respect for human rights in Côte d'Ivoire in 2009. The ongoing political stalemate, further delays in election preparations and the disarmament of combatants, and ongoing conflicts over land and citizenship rights continued to threaten long-term stability.

The redeployment of judicial officials and the handover of power from rebel authorities to civil administrators in the north offered some hope but few concrete gains in respect for the rule of law. Government forces and New Forces rebels continue to engage in predatory and abusive behavior, including widespread extortion at checkpoints and sexual violence against girls and women, with near-total impunity. The judicial system remains plagued by corruption, a lack of independence, and insufficient resources.

Côte d'Ivoire's key partners, including the United Nations, the Economic Community of West African States (ECOWAS), and France, increasingly criticized the Ivorian government for delays in organizing a presidential election (postponed a fourth time and now likely to be held by early 2010), but remained reluctant to criticize the country's human rights record.

Political-Military Stalemate

Throughout 2009 the government of President Laurent Gbagbo missed important deadlines for the full restoration of state authority to the rebel-held north and for the disarmament and reintegration of former combatants, as set forth in the December 2008 supplementary agreement to the March 2007 Ouagadougou Agreement (the first to have been directly negotiated by the country's belligerents). While the Ivorian government announced in May that an oft-postponed presidential election would take place on November 29, 2009, continued delays in completing the voter identification and registration process and publishing the voter list resulted in another postponement to early 2010. More than four years after the October 2005 expiry of President Gbagbo's mandate, Ivorians were still denied the right to freely elect their representatives.

After months-long delays, the redeployment of civil authorities throughout the country in May—including judicial, police, and financial administrators—remained incomplete, and was seriously undermined by rebel commanders who continued to exercise near-complete control over economic, security, and, to a lesser extent, judicial affairs within their zones.

Meanwhile, the widespread presence of arms due to largely unsuccessful demobilization and disarmament efforts through 2009 led to concern about the ability of citizens to exercise their right to campaign and vote free of intimidation and violence. At this writing, more than 18,000 rebels and 25,000 pro-government militia members have yet to be disarmed or demobilized. Some 12,000 rebels participated in demobilization programs as of October 2009, but only one weapon per an estimated 200-300 “disarmed” combatants was collected. In addition, the UN Group of Experts monitoring sanctions against Côte d’Ivoire reported in October that the government and northern rebel commanders are importing additional arms, in violation of a 2004 UN arms embargo.

Rule of Law and Land Rights

While the redeployment of a number of judges and prosecutors to the north in January 2009, after an absence of seven years, was a crucial first step toward restoring the rule of law, inadequate financial support and persistent delays in the redeployment of police, corrections officers, and magistrates left many courts in the north ineffective. The judicial system countrywide, but particularly in the south, remained fraught with corruption and a lack of independence that served to further entrench a culture of impunity.

Violent conflicts over land rights, particularly in the north and west, were exacerbated by the chronic failure of the judicial system to resolve disputes, and persistent xenophobia toward those perceived as non-Ivorian nationals. In the west, perpetrators of violence often targeted non-indigenous internally displaced persons returning to their land.

Extortion and Racketeering

The government took no meaningful steps in 2009 to address the problem of widespread extortion and racketeering by government security forces—including the police, gendarmerie, military, and customs officials—as well as by government militia and New Forces rebels. Individuals who refused to pay bribes to corrupt officials were often beaten or arbitrarily detained. Although checkpoints remained throughout the country, extortion was most severe in the north, where New Forces rebels continued to exert almost complete economic control, extorting the equivalent of millions of US dollars annually at checkpoints and through other rackets.

Political Violence

Politically motivated violence by pro-government groups, such as the Young Patriots and the Student Federation of Côte d'Ivoire (FESCI), declined compared to previous years, but continued impunity for violent crimes fuels fears of unrestrained intimidation and violence at the time of elections. The voter registration process was on several occasions disrupted by attacks, particularly in the west, in which armed men intimidated those standing in line at registration centers, or confiscated briefcases of registration papers.

Members of FESCI and other pro-government groups continue to enjoy impunity for common acts of racketeering, vandalism, and intimidation of perceived opponents. Dozens of armed FESCI members gathered in January to launch an assault on a rival student union, and in August several hundred FESCI members caused property damage and threatened the mayor of an Abidjan suburb.

Media outlets allied to either the government or rebel forces on occasion published provocations to intolerance and violence, but the overall prevalence of hate speech was significantly lower than during the worst years of the crisis.

Sexual Violence

As in previous years, there were frequent incidents of sexual violence against women and girls, particularly in the north and west, and incidents of harassment and rape persisted at checkpoints run by government security forces and rebels. Survivors' access to health and legal services is extremely limited. Efforts at investigating and prosecuting cases of sexual violence are hampered by a lack of political will among police and court officials, and aggravated by severe deficiencies in the justice system, particularly in the north.

Early in 2009 a New Forces action plan, developed in cooperation with the UN Security Council Working Group on Children and Armed Conflict, to combat sexual violence committed by its troops and in its region showed some promise. However, the New Forces failed to implement it. The Ivorian government, for its part, failed to adopt a similar national action plan to combat sexual violence in government-held areas, despite pressure from the UN and other actors.

Child Labor

The Ivorian government only recently acknowledged the longstanding problem of child labor in its cocoa industry and has slowly begun implementing, often in partnership with

nongovernmental organizations, programs to help children return to school. Few are currently benefiting from these programs, however, and many children continue to perform child labor, including the worst forms of child labor, in violation of Côte d'Ivoire's commitments under international law.

Accountability for Past Abuses

Although they were handed to the UN secretary-general in November 2004, the UN Security Council has still not made public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law in Côte d'Ivoire since September 2002. In 2003 the Ivorian government accepted the jurisdiction of the International Criminal Court over serious crimes. While ICC officials visited the country in July 2009 at the invitation of civil society, as in previous years the government was not forthcoming in helping the ICC mission assess the existence or prospects of genuine national efforts at seeking accountability for such crimes.

The National Human Rights Commission, which began work in July 2008, submitted its first annual report in June 2009, but its capacity to fully investigate and report on serious abuses was limited by inadequate funding and support from the government.

April marked the fifth anniversary of the disappearance of Guy-André Kieffer, a journalist of dual French-Canadian nationality who was researching alleged illicit practices involving Ivorian government officials and the cocoa industry. French investigations into Kieffer's disappearance have been consistently stymied by a lack of cooperation from high-level Ivorian authorities.

Key International Actors

Many of Côte d'Ivoire's key partners, including the UN, ECOWAS, and France, remained reluctant to publicly criticize the government for its human rights record or to push for those responsible for war crimes or political violence to be held accountable, but they increasingly expressed frustrations at the lack of political will within the government and rebel leadership to organize free and fair elections. In January 2009 the UN Security Council demanded that Ivorian leaders set a realistic timeline and, after numerous delays, threatened in September to impose targeted sanctions against individuals who obstructed election preparations.

The UN Operation in Côte d'Ivoire (UNOCI) remained engaged to monitor the human rights situation, focusing on child protection and sexual violence, along with 8,400 military and police personnel to assist with security in the run-up to elections. France continued its

drawdown of troops in Côte d'Ivoire that support UNOCI, reducing its total to 900 by the end of the year from a high of more than 4,000 in 2006.

The Security Council extended through October 31, 2010, a sanctions regime that included an arms embargo and a ban on the importation of Ivorian diamonds, as well as a travel ban and assets freeze on three individuals—two of whom were implicated in attacks against UN personnel in 2006.

The UN Human Rights Council reviewed Côte d'Ivoire under its Universal Periodic Review mechanism in December 2009.